

REMARKS

Claims 1 to 10 and 12 to 117 were pending in this application. Claims 2 and 10 are hereby canceled without prejudice and without conceding to the Examiner's characterizations. Claim 2's subject matter was incorporated into claim 1. Claims 4, 9, 13, 15, 20, 21, 24 to 27, and 30 to 115 were withdrawn from consideration. Claims 1, 3, and 6-8 have been amended to reflect the incorporation of claim 2 into claim 1, without conceding to the Examiner's characterization and without prejudice. Claims 14 and 116 have been amended without conceding to the Examiner's characterization and without prejudice. No new matter has been added. Claims 1 to 3, 5 to 8, 10, 12, 14, 16 to 19, 22, 23, 28, 29, 116, and 117 have been rejected. Applicant reasserts all prior arguments made in connection with the maintained rejections.

35 U.S.C. § 112

Claim 14 was rejected as being indefinite because claim 14 depended on canceled claim 11. Applicant has amended claim 14 and therefore believes that this rejection has been overcome.

35 U.S.C. § 103**Bhagwat in view of Bonnar, and in further view of Robinson or Merck**

Claims 1-3¹, 12, 14, 17-19, 22, 23, 28, 29, 116 and 117 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,429,231 ("Bhagwat") "in view of remarks of 11/23/04, Bonnar and further in view [of] Robinson '39 or Merck '72." Applicant respectfully traverses the rejection for at least the reasons set forth in prior responses and the following reasons.

Bhagwat's invention requires that urea be present in combination with antimicrobial agents. See, Abstract, Col. 1, lines 26-27. Additionally, Bhagwat treats

¹ The Examiner states "13" but we believe that "1-3" was meant. If not, Applicant requests the courtesy of a phonecall.

"disorders due to microbial infection" (Col. 1, lines 39-40), but not the microbial infection itself. While the Examiner tries to combine Bonnar with Bhagwat, Applicant's invention is still not rendered obvious. Bonnar states mites are on human skin (however, Applicant notes that it is not healthy to have an infestation or unduly high amount of mites of human skin), Bhagwat treats disorders but not the underlying mites infection. Robinson and Merck, according to the Examiner, also tie in the relationship between mites causing disorders. Applicant does not disagree, however Applicant's invention treats the mite infestation, not the disorder. None of the cited art (individually or in combination) teach the treatment of mite infestations with sulfur and one of the claims sulfur derivatives².

Furthermore, Bhagwat teaches away from being combined with the other references because it requires urea as an active ingredient. The claimed invention has limited active ingredients and urea is not claimed. One of ordinary skill in the art would not look to a urea based composition (like Bhagwat) when formulating a composition with sulfur and sulfur derivatives (like Applicant). Therefore, not all of the elements of Applicant's amended claims are taught by the cited art and cannot be rendered obvious by the cited art. Thus, Applicant respectfully submits that this rejection should be withdrawn.

Robinson or White in view of Allen and declaration of Patel

Claims 1-3, 5-8, 12, 16, 116 and 117 were rejected under 35 U.S.C. § 103(a) "as being unpatentable over Robinson or White 1894, in view of Allen – 4895727 and declaration of Patel." Applicant respectfully traverses the rejection for at least the reasons set forth in prior responses and the following reasons.

² While Robinson teaches treating scabies with sulfur, there is no suggestion to use sulfur derivatives in any mite infestation treatment. Therefore, not all of the elements of Applicant's claimed invention are taught in Robinson or Robinson combined with Bhagwat and Bonnar.

The Examiner agrees that "Robinson teaches sulphur and suitable carriers, and washing of the skin, to treat mites, but neither teach the combination with sulfacetamide."

Applicant notes that all of its claims require that the composition have active ingredients consisting essentially of sulfur and a specified sulfur derivative (as listed above). None of the references teach any of the specified sulfur derivatives, and therefore the cited references do not teach all of the elements of Applicant's claimed invention. Thus, the claimed invention is not obvious and Applicant respectfully submits that this rejection should be withdrawn.

35 U.S.C. § 102(b)

Merck

Claims 1-3, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Merck. Applicant respectfully traverses the rejection for at least the following reasons. Merck teaches "Sulfur + neomycin sulfate, ointments, washing is required; starch baths," according to the Examiner. In order to anticipate the claims, all of the elements of the claims must be present in the cited art. Applicant's claims require a sulfur derivative which is one or more of: organic sulfides, inorganic sulfides, organic mercaptans, inorganic mercaptans, H₂S, sulfuric acid, bisulfides, sulfur dioxide, thiols, sulfites, and sodium sulfacetamide. None of these ingredients are taught in Merck. Therefore, Merck does not anticipate the claims and the rejection should be withdrawn.

Robinson (and White)

Claims 1-3, 18, and 116 were rejected "under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Robinson '39 explained by White, 1894." Applicant respectfully traverses the rejection for at least the following reasons.

The Examiner asserts that Robinson teaches sulfur and sulfur derivatives (as sulfur sublimed is described in White). However, Applicant notes that the claims require the sulfur derivative to be one or more of: organic sulfides, inorganic sulfides, organic mercaptans, inorganic

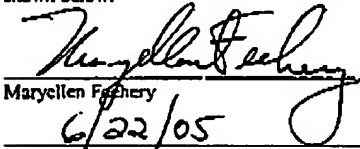
mercaptans, H₂S, sulfuric acid, bisulfides, sulfur dioxide, thiols, sulfites, and sodium sulfacetamide. Nothing in Robinson (or White's explanation) teaches any of the claimed sulfur derivatives, and therefore this rejection should be removed.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance.

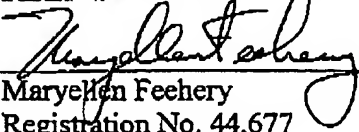
Applicant does not believe any additional fee is required for this Response and Request for Reconsideration, however, in the event any additional fee is required or any overpayment credit is due, the Commissioner is hereby authorized to charge Deposit Account No. 18-0586.

I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith in connection with U.S. Serial No. 10/022,476 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 703-872-9306 on the date shown below.


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6/22/05
Date of Facsimile Transmission

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